

AMENDED IN SENATE JUNE 15, 2005

AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 473**

**Introduced by Assembly Member Liu**

February 16, 2005

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An act to amend Sections 76300 and 76370 of the Education Code, relating to community colleges.

### LEGISLATIVE COUNSEL'S DIGEST

AB 473, as amended, Liu. Community colleges: student fees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law also authorizes the establishment of community college districts, and further authorizes the operation, by these districts, of community college campuses that offer instructional services throughout the state. Existing law requires the governing board of each community college district to charge each student a fee of \$26 per unit per semester, effective with the fall term of the 2004-05 academic year.

This bill would provide that the \$26 per unit per semester student fee would continue in the 2005-06 academic year.

The bill would provide that community college students could be required to pay an additional fee beyond the level mandated by the board of governors pursuant to the bill. The bill would authorize a district to use any revenue generated by the additional fee for its particular needs and priorities. The bill would require that any

additional fee established pursuant to the bill be adopted by action of the district governing board at a public meeting, and approved by a vote of a majority of the students of that district who vote in a student body election held for that purpose, at least 6 months prior to the implementation of that additional fee.

(2) Existing law authorizes community college districts to charge persons a fee to audit a community college course. Existing law requires that an auditing fee may not exceed \$15 per unit per semester.

This bill would instead require that an auditing fee not exceed 150% of the per unit student fee charged students who enroll in the course for credit.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 76300 of the Education Code is  
2 amended to read:

3 76300. (a) (1) The governing board of each community  
4 college district shall charge each student a fee pursuant to this  
5 section.

6 (2) The fee prescribed by this section shall be eighteen dollars  
7 (\$18) per unit per semester, effective with the fall term of the  
8 2003-04 academic year.

9 (3) Notwithstanding paragraph (2), the fee prescribed by this  
10 section shall be twenty-six dollars (\$26) per unit per semester,  
11 effective with the fall term of the 2004-05 academic year, and  
12 continuing in the 2005-06 academic year.

13 (4) The chancellor shall proportionately adjust the amount of  
14 the fee for term lengths based upon a quarter system, and also  
15 shall proportionately adjust the amount of the fee for summer  
16 sessions, intersessions, and other short-term courses. In making  
17 these adjustments, the chancellor may round the per unit fee and  
18 the per term or per session fee to the nearest dollar.

19 ~~(b)–~~

20 (b) (1) The board of governors shall develop a rational and  
21 transparent methodology for recommending adjustments in  
22 mandatory systemwide resident student fees that are consistent  
23 with the student fee principles set forth in paragraphs (2) and (3).  
24 These methodologies shall be developed in consultation with

1 appropriate student representatives through student fee advisory  
2 committees and, once developed, shall be formally adopted by  
3 the board of governors in open public meetings.

4 (2) It is the intent of the Legislature that all of the following  
5 occur:

6 (A) The State of California should maintain its primary  
7 responsibility to fund the predominant share of the cost of public  
8 community college education in California.

9 (B) So that students and their families can better prepare  
10 financially for college expenses, any changes in resident student  
11 fees should be gradual, moderate, and predictable.

12 (C) Community college student fees should not be increased  
13 by more than 10 percent in any academic year.

14 (D) Annually, except in fiscal emergencies, the student fee  
15 amount should be adjusted by the annual changes in statewide  
16 per capita personal income as compiled by the Department of  
17 Finance.

18 (E) Students attending the campuses of the California  
19 Community Colleges should pay student fees that do not exceed  
20 20 percent of the overall cost of education at the community  
21 college.

22 (3) (A) The governing board of a district maintaining a  
23 community college may require community college students to  
24 pay an additional fee, such as a materials fee or technology fee.  
25 Any revenue generated by this fee may be used by the district to  
26 address its particular needs and priorities. *A fee instituted*  
27 *pursuant to this paragraph shall not be subject to subdivisions*  
28 *(c) and (d).*

29 (B) A fee may be charged pursuant to this paragraph only if  
30 both of the following have occurred no sooner than six months  
31 prior to the implementation of that fee:

32 (i) A majority of the membership of the governing board of  
33 the community college district votes, at a public meeting of that  
34 board, to propose the assessment of the fee. This proposal shall  
35 specify the amount of the fee.

36 (ii) A majority of the students of that community college  
37 district who vote in a student body election held for this purpose  
38 vote to approve the fee proposed by the district governing board.

39 (c) For the purposes of computing apportionments to  
40 community college districts pursuant to Section 84750, the

1 chancellor shall subtract, from the total revenue owed to each  
2 district, 98 percent of the revenues received by districts from  
3 charging a fee pursuant to ~~this section~~ *subdivision (a)*.

4 (d) The chancellor shall reduce apportionments by up to 10  
5 percent to any district that does not collect the fees prescribed by  
6 ~~this section~~ *subdivision (a)*.

7 (e) The fee requirement does not apply to any of the  
8 following:

9 (1) Students enrolled in the noncredit courses designated by  
10 Section 84757.

11 (2) California State University or University of California  
12 students enrolled in remedial classes provided by a community  
13 college district on a campus of the University of California or a  
14 campus of the California State University, for whom the district  
15 claims an attendance apportionment pursuant to an agreement  
16 between the district and the California State University or the  
17 University of California.

18 (3) Students enrolled in credit contract education courses  
19 pursuant to Section 78021, if the entire cost of the course,  
20 including administrative costs, is paid by the public or private  
21 agency, corporation, or association with which the district is  
22 contracting and if these students are not included in the  
23 calculation of the full-time equivalent students (FTES) of that  
24 district.

25 (f) The governing board of a community college district may  
26 exempt special part-time students admitted pursuant to Section  
27 76001 from the fee requirement.

28 (g) (1) The fee requirements of this section shall be waived  
29 for any student who, at the time of enrollment, is a recipient of  
30 benefits under the Temporary Assistance to Needy Families  
31 program, the Supplemental Security Income/State Supplementary  
32 Program, or a general assistance program or has demonstrated  
33 financial need in accordance with the methodology set forth in  
34 federal law or regulation for determining the expected family  
35 contribution of students seeking financial aid.

36 (2) The governing board of a community college district also  
37 shall waive the fee requirements of this section for any student  
38 who demonstrates eligibility according to income standards  
39 established by the board of governors and contained in Section  
40 58620 of Title 5 of the California Code of Regulations.

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. “Active service of the state,” for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following applies:

(1) The dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(k) A determination of whether a person is a resident of California on September 11, 2001, for purposes of subdivision (j) shall be based on the criteria set forth in Chapter 1 (commencing with Section 68000) of Part 41 for determining nonresident and resident tuition.

(l) (1) “Dependent,” for purposes of subdivision (j), is a person who, because of his or her relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains the age of 30 years.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation and Government Claims Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.

(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive, for determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992–93 fiscal year.

(n) The board of governors shall adopt regulations implementing this section.

SEC. 2. Section 76370 of the Education Code is amended to read:

76370. The governing board of a community college district may authorize a person to audit a community college course, and may charge that person a fee pursuant to this section.

1 (a) (1) If a fee for auditing is charged, it shall not exceed 150  
2 percent of the per unit student fee charged students enrolling in  
3 the course for credit.

4 (2) The governing board shall proportionately adjust the  
5 amount of the fee for term lengths based upon a quarter system  
6 or other alternative system approved pursuant to regulations of  
7 the board of governors, and shall also proportionately adjust the  
8 amount of the fee for summer sessions, intersessions, and other  
9 short-term courses. In making these adjustments, the governing  
10 board may round the per unit fee and the per term or per session  
11 fee to the nearest dollar.

12 (b) Students enrolled in classes to receive credit for 10 or more  
13 semester credit units shall not be charged a fee to audit three or  
14 fewer semester units per semester.

15 (c) No student auditing a course shall be permitted to change  
16 his or her enrollment in that course to receive credit for the  
17 course.

18 (d) Priority in class enrollment shall be given to students  
19 desiring to take the course for credit towards a degree or  
20 certificate.

21 (e) Classroom attendance of students auditing a course shall  
22 not be included in computing the apportionment due a  
23 community college district.